

FARAD CONTINUATION SHEET

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

Criminal Application (aba) No. 398 of 2016

Sau. Rekha Mahavir Sharma & ors.

v.

The State of Maharashtra

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. A.K. Bhangde Advocate for the applicants.
Mr. S.S. Doifode, APP, for respondent/State.

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Coram : S.B. Shukre, J.

Date : 18th JULY, 2016.

Heard learned counsel for the applicants and learned APP
for the State.

It is seen from the F.I.R. that the applicants had gone to the house of main accused Deepak Sharma on two occasions, firstly on 27.5.2016 and ultimately on 01.6.2016. On the first occasion, according to the prosecutrix, she was not abused by any of the family members but in her second statement she stated that she was abused. Further, the incident of hurling of abuses allegedly on caste line and also the alleged molestation of the prosecutrix took place at about 10 a.m. of 01.6.2016. There was also a back ground to this incident. That background lay in the alleged sexual exploitation of the prosecutrix at the hands of the main accused Deepak Sharma. The applicants are family members of Deepak Sharma. So, with such a back ground, one would expect that the prosecutrix would immediately approach the police and lodge a F.I.R. However, that has not been done by the

prosecutrix. It is seen from the printed F.I.R. that the complaint has been lodged about 14 or 15 hours after the incident. Prima facie, there is nothing in the F.I.R. which would explain the delay. There are no circumstances available on record, as seen from the case diary, prima facie explaining the delay.

In the circumstances, I am of the view that the allegations made in the F.I.R. at their face value cannot be straightway said to be all genuine. There is a possibility of exaggerations being made. In any case, custodial interrogation of the applicants would not be required. So, I am of the view that these applicants would be entitled to be released on anticipatory bail. Hence, the order.

Application is allowed and the interim bail granted to the applicants on 23.6.2016 is hereby confirmed on the same conditions. Application is disposed of.

Judge

/TA/

Certificate

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